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RE MICROSOFT SETTLEMENT

As a former CEO of a .com, a long-term businessperson in the Seattle area, and a practicing attorney concentrating in business litigation, I have a different perspective than that of the Justice Department (at least as I see in the press). The major issue and the critical need in the software industry is the survival of independent software development. To defend their actions, Microsoft has raised the "straw men:" right to innovate and right to improve their products for the benefit of consumers. Consider the example Bill Gate uses in his press conferences: General Motors is not told that it cannot add headlights to their automobiles are they? This is actually a very good example of the problem. The answer is "No, when headlights were invented, General Motors had the right to include them in automobiles." The problem arises because Microsoft not only wants to include the headlights in their automobile, it wants to be the exclusive manufacturer of them (It's a matter of quality control, you know?). From what I can understand from the settlement, it misses the point. The key issue is not how much the market knows about Microsoft software and source code, the issue is whether Microsoft has the right to own all new innovations. Thus, it should have the right to integrate a browser, but as a monopolist, it must purchase from more than one outside supplier. It also cannot be allowed to use its market power to decide that only one supplier of browsers (e.g.) can exist. As a small time developer of software, I see Microsoft as a monopolist and Netscape that was equally ruthless company both of whom attempted to monopolize the browser market. If Microsoft had not stopped Netscape, it would now own (as a monopolist) the browser market. The right solution would have stopped both Netscape and Microsoft from driving alternative (some very good) browsers from the market. In short, I see the settlement as benefiting a few large companies who are near monopolies themselves and doing little or nothing to protect small developers from the immense market and political power of these companies.

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